

1 John C. Hueston, State Bar No. 164921
jhueston@hueston.com
2 Moez M. Kaba, State Bar No. 257456
mkaba@hueston.com
3 Steven N. Feldman, State Bar No. 281405
sfeldman@hueston.com
4 HUESTON HENNIGAN LLP
5 523 West 6th Street, Suite 400
6 Los Angeles, CA 90014
Telephone: (213) 788-4340
Facsimile: (888) 775-0898

7 Attorneys for Plaintiff
MONSTER ENERGY COMPANY
8
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MONSTER ENERGY COMPANY, a
13 Delaware corporation,

14 Plaintiff,

15 vs.

16 VITAL PHARMACEUTICALS, INC.
17 c/b/a VPX Sports, a Florida corporation,
and JOHN H. OWOC a.k.a. JACK
18 OWOC, an individual,

19 Defendants.
20
21
22
23
24
25
26
27
28

Case No. 5:18-cv-1882-JGB-SHK

Hon. Jesus G. Bernal
Hon, Shashi H. Kewalramani

**DECLARATION OF MICHAEL H.
TODISCO IN SUPPORT OF
PLAINTIFF MONSTER ENERGY
COMPANY AND THIRD PARTIES
MARC MILES AND SHOOK,
HARDY & BACON L.L.P.'S MOTION
TO QUASH DEFENDANT VITAL
PHARMACEUTICALS, INC.'S
SUBPOENAS**

DECLARATION OF MICHAEL H. TODISCO

I, Michael H. Todisco, declare as follows:

1. I am an attorney at Hueston Hennigan LLP, Monster Energy Company's counsel of record for in this case. I am a member in good standing of the State Bar of California and am admitted to practice in this Court. I have personal knowledge of the facts set forth herein and could and would testify competently to those facts under oath if called as a witness.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an Instagram post by Defendant Vital Pharmaceuticals, Inc.'s ("VPX") CEO – Defendant Jack Owoc ("Owoc"). Owoc's post was published June 8, 2019 and was posted under the user name @bangenergy.ceo. The post is available at the following link: https://www.instagram.com/p/ByeLSMwg8_S/. I last accessed the link on January 22, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a September 6, 2018 article published by BevNET, a beverage-oriented media company. The article is available at the following link: <https://www.bevnet.com/news/2018/monster-energy-sues-vpx-bang-energy-claims>. I last accessed the link on January 22, 2020.

4. Attached hereto as **Exhibit 3** are true and correct excerpts from the transcript of the January 13, 2020 hearing on this motion before the Honorable Judge Shashi H. Kewalramani.

